

REMARKS/ARGUMENTS

Claims 1, 5, 12, 14, 27, 28 and 42-51 are active.

Claim 1 is amended to (A) provide the correct elected groups for Cy, CH2-A or CH2-CH2-A and (B) in accordance with preferred embodiments as described in the specification on page 18, line 21 to page 9, line 9. Claims 48 and 50 also find support therein. Claims 49 and 51 find support in Claim 27 and the specification as originally filed.

The term derivative has been removed from the claims as well.

No new matter is added. In addition, the rejections under 35 USC §§ 112, first and second paragraph relating to the phrase “CH-phenyl or CH-naphthyl” are no longer applicable.

The Examiner has maintained that the claims would have been obvious in view of the Liu patent (US 6,627,767). The rejection cites to the compound of Formula III found in column 3, such that the phenyl can be substituted by a variety of groups and R² which is directly connected to the nitrogen can be an aryl group (see column 2, lines 1-3). The aryl group is defined in column 7 and includes phenyl and naphthyl.

Liu describes a compound where the phenyl group corresponding to Cy in the claimed compound is substituted with a non-substituted phenyl group and a non-substituted naphthyl group. In contrast, in the claims, Cy is a phenyl which may be substituted by phenyl which itself is substituted with other groups. See Claim 1, reproduced in part below:

when R^{2a} and R^{2b} are each H, R¹ is -CH₂-A with A being phenyl optionally substituted by cyano, halogen, methoxy, hydroxyl, phenoxy, -NO₂, or trifluoromethyl, and Cy is phenyl or biphenyl substituted by -SO₂R³, or -CO-NR³R³ where R³ is H and R³ is (C₇-C₁₂) alkyl or (C₇-C₁₅)alkyl; or

when R^{2a} and R^{2b} are each H, R¹ is selected from the group consisting of phenyl, benzyl, phenethyl, or 1-methylbenzyl which may be substituted by (C₁-C₆)alkyl or cycloalkyl, and Cy is phenyl or biphenyl substituted by -SO₂R³, or -CO-NR³R³ where R³ is (C₇-C₁₅)alkyl.

Application No. 10/501,344
Reply to the Official Action of September 5, 2008

While Liu describes that the phenyl corresponding to Cy in the claimed compounds can be substituted with many groups, Liu provides no teachings that the phenyl substituent of Cy is further substituted in the manner as defined in the claims. Therefore, the claims would not have been obvious in view of what Liu described.

Withdrawal of the rejection is requested.

A Notice of Allowance for all pending claims is requested.

Respectfully Submitted,

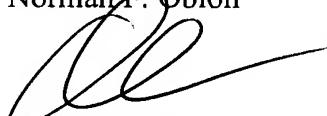
Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 08/07)

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon



Daniel J. Pereira
Registration No. 45,518